

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

DANIEL CRUZ,
a/k/a "Junior,"

Defendant.

COUNT ONE

ORIGIN-1209

:
INDICTMENT

:
08 Cr.

| |
|---------------------------|
| USDC SDNY |
| DOCUMENT |
| ELECTRONICALLY FILED |
| DOC #: <u>DEC 18 2008</u> |
| DATE FILED: |

The Grand Jury charges:

1. From at least in or about May 2006, up to and including in or about October 2006, in the Southern District of New York and elsewhere, DANIEL CRUZ, a/k/a "Junior," the defendant, and others known and unknown, unlawfully, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that DANIEL CRUZ, a/k/a "Junior," the defendant, and others known and unknown, would and did distribute and possess with intent to distribute 5 kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A).

Overt Act

3. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

a. During the summer of 2006, DANIEL CRUZ, a/k/a "Junior," the defendant, sold approximately 10 kilograms of cocaine to other individuals for distribution throughout the Bronx, New York.

(Title 21, United States Code, Section 846.)

FORFEITURE ALLEGATIONS

4. As a result of committing the controlled substance offense alleged in Count One of this Indictment, DANIEL CRUZ, a/k/a "Junior," the defendant, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendant obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the narcotics violations alleged in Count One of this Indictment, including but not limited to:

a. a sum of money representing the amount of proceeds obtained as a result of the controlled substance offense for which the defendants are liable.

5. If any of the forfeitable property described above in Paragraph 4, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1) and 853.)

W.L.D.
FOREPERSON

Le V. Dassin
LEV L. DASSIN
Acting United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

DANIEL CRUZ,
a/k/a "Junior,"

Defendant.

INDICTMENT

08 Cr.

(21 U.S.C. §§ 812, 841(a)(1),
841(b)(1)(A), 841(b)(1)(B), and 846.)

LEV L. DASSIN
Acting United States Attorney.

A TRUE BILL


Foreperson.
